

1 AN ACT concerning firearms.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112-14 as follows:

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Order of protection; remedies.

8 (a) Issuance of order. If the court finds that
9 petitioner has been abused by a family or household member,
10 as defined in this Article, an order of protection
11 prohibiting such abuse shall issue; provided that petitioner
12 must also satisfy the requirements of one of the following
13 Sections, as appropriate: Section 112A-17 on emergency
14 orders, Section 112A-18 on interim orders, or Section 112A-19
15 on plenary orders. Petitioner shall not be denied an order
16 of protection because petitioner or respondent is a minor.
17 The court, when determining whether or not to issue an order
18 of protection, shall not require physical manifestations of
19 abuse on the person of the victim. Modification and
20 extension of prior orders of protection shall be in
21 accordance with this Article.

22 (b) Remedies and standards. The remedies to be included
23 in an order of protection shall be determined in accordance
24 with this Section and one of the following Sections, as
25 appropriate: Section 112A-17 on emergency orders, Section
26 112A-18 on interim orders, and Section 112A-19 on plenary
27 orders. The remedies listed in this subsection shall be in
28 addition to other civil or criminal remedies available to
29 petitioner.

30 (1) Prohibition of abuse. Prohibit respondent's
31 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful
2 deprivation, as defined in this Article, if such abuse
3 has occurred or otherwise appears likely to occur if not
4 prohibited.

5 (2) Grant of exclusive possession of residence.
6 Prohibit respondent from entering or remaining in any
7 residence or household of the petitioner, including one
8 owned or leased by respondent, if petitioner has a right
9 to occupancy thereof. The grant of exclusive possession
10 of the residence shall not affect title to real property,
11 nor shall the court be limited by the standard set forth
12 in Section 701 of the Illinois Marriage and Dissolution
13 of Marriage Act.

14 (A) Right to occupancy. A party has a right
15 to occupancy of a residence or household if it is
16 solely or jointly owned or leased by that party,
17 that party's spouse, a person with a legal duty to
18 support that party or a minor child in that party's
19 care, or by any person or entity other than the
20 opposing party that authorizes that party's
21 occupancy (e.g., a domestic violence shelter).
22 Standards set forth in subparagraph (B) shall not
23 preclude equitable relief.

24 (B) Presumption of hardships. If petitioner
25 and respondent each has the right to occupancy of a
26 residence or household, the court shall balance (i)
27 the hardships to respondent and any minor child or
28 dependent adult in respondent's care resulting from
29 entry of this remedy with (ii) the hardships to
30 petitioner and any minor child or dependent adult in
31 petitioner's care resulting from continued exposure
32 to the risk of abuse (should petitioner remain at
33 the residence or household) or from loss of
34 possession of the residence or household (should

1 petitioner leave to avoid the risk of abuse). When
2 determining the balance of hardships, the court
3 shall also take into account the accessibility of
4 the residence or household. Hardships need not be
5 balanced if respondent does not have a right to
6 occupancy.

7 The balance of hardships is presumed to favor
8 possession by petitioner unless the presumption is
9 rebutted by a preponderance of the evidence, showing
10 that the hardships to respondent substantially
11 outweigh the hardships to petitioner and any minor
12 child or dependent adult in petitioner's care. The
13 court, on the request of petitioner or on its own
14 motion, may order respondent to provide suitable,
15 accessible, alternate housing for petitioner instead
16 of excluding respondent from a mutual residence or
17 household.

18 (3) Stay away order and additional prohibitions.
19 Order respondent to stay away from petitioner or any
20 other person protected by the order of protection, or
21 prohibit respondent from entering or remaining present at
22 petitioner's school, place of employment, or other
23 specified places at times when petitioner is present, or
24 both, if reasonable, given the balance of hardships.
25 Hardships need not be balanced for the court to enter a
26 stay away order or prohibit entry if respondent has no
27 right to enter the premises.

28 If an order of protection grants petitioner
29 exclusive possession of the residence, or prohibits
30 respondent from entering the residence, or orders
31 respondent to stay away from petitioner or other
32 protected persons, then the court may allow respondent
33 access to the residence to remove items of clothing and
34 personal adornment used exclusively by respondent,

1 medications, and other items as the court directs. The
2 right to access shall be exercised on only one occasion
3 as the court directs and in the presence of an
4 agreed-upon adult third party or law enforcement officer.

5 (4) Counseling. Require or recommend the
6 respondent to undergo counseling for a specified duration
7 with a social worker, psychologist, clinical
8 psychologist, psychiatrist, family service agency,
9 alcohol or substance abuse program, mental health center
10 guidance counselor, agency providing services to elders,
11 program designed for domestic violence abusers or any
12 other guidance service the court deems appropriate.

13 (5) Physical care and possession of the minor
14 child. In order to protect the minor child from abuse,
15 neglect, or unwarranted separation from the person who
16 has been the minor child's primary caretaker, or to
17 otherwise protect the well-being of the minor child, the
18 court may do either or both of the following: (i) grant
19 petitioner physical care or possession of the minor
20 child, or both, or (ii) order respondent to return a
21 minor child to, or not remove a minor child from, the
22 physical care of a parent or person in loco parentis.

23 If a court finds, after a hearing, that respondent
24 has committed abuse (as defined in Section 112A-3) of a
25 minor child, there shall be a rebuttable presumption that
26 awarding physical care to respondent would not be in the
27 minor child's best interest.

28 (6) Temporary legal custody. Award temporary legal
29 custody to petitioner in accordance with this Section,
30 the Illinois Marriage and Dissolution of Marriage Act,
31 the Illinois Parentage Act of 1984, and this State's
32 Uniform Child Custody Jurisdiction Act.

33 If a court finds, after a hearing, that respondent
34 has committed abuse (as defined in Section 112A-3) of a

1 minor child, there shall be a rebuttable presumption that
2 awarding temporary legal custody to respondent would not
3 be in the child's best interest.

4 (7) Visitation. Determine the visitation rights,
5 if any, of respondent in any case in which the court
6 awards physical care or temporary legal custody of a
7 minor child to petitioner. The court shall restrict or
8 deny respondent's visitation with a minor child if the
9 court finds that respondent has done or is likely to do
10 any of the following: (i) abuse or endanger the minor
11 child during visitation; (ii) use the visitation as an
12 opportunity to abuse or harass petitioner or petitioner's
13 family or household members; (iii) improperly conceal or
14 detain the minor child; or (iv) otherwise act in a manner
15 that is not in the best interests of the minor child.
16 The court shall not be limited by the standards set forth
17 in Section 607.1 of the Illinois Marriage and Dissolution
18 of Marriage Act. If the court grants visitation, the
19 order shall specify dates and times for the visitation to
20 take place or other specific parameters or conditions
21 that are appropriate. No order for visitation shall
22 refer merely to the term "reasonable visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for visitation,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of
27 petitioner or petitioner's minor children or is behaving
28 in a violent or abusive manner.

29 If necessary to protect any member of petitioner's
30 family or household from future abuse, respondent shall
31 be prohibited from coming to petitioner's residence to
32 meet the minor child for visitation, and the parties
33 shall submit to the court their recommendations for
34 reasonable alternative arrangements for visitation. A

1 person may be approved to supervise visitation only after
2 filing an affidavit accepting that responsibility and
3 acknowledging accountability to the court.

4 (8) Removal or concealment of minor child.
5 Prohibit respondent from removing a minor child from the
6 State or concealing the child within the State.

7 (9) Order to appear. Order the respondent to
8 appear in court, alone or with a minor child, to prevent
9 abuse, neglect, removal or concealment of the child, to
10 return the child to the custody or care of the petitioner
11 or to permit any court-ordered interview or examination
12 of the child or the respondent.

13 (10) Possession of personal property. Grant
14 petitioner exclusive possession of personal property and,
15 if respondent has possession or control, direct
16 respondent to promptly make it available to petitioner,
17 if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly;
21 sharing it would risk abuse of petitioner by
22 respondent or is impracticable; and the balance of
23 hardships favors temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the
25 property is that it is marital property, the court may
26 award petitioner temporary possession thereof under the
27 standards of subparagraph (ii) of this paragraph only if
28 a proper proceeding has been filed under the Illinois
29 Marriage and Dissolution of Marriage Act, as now or
30 hereafter amended.

31 No order under this provision shall affect title to
32 property.

33 (11) Protection of property. Forbid the respondent
34 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court,
3 if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the parties own the property jointly, and
7 the balance of hardships favors granting this
8 remedy.

9 If petitioner's sole claim to ownership of the
10 property is that it is marital property, the court may
11 grant petitioner relief under subparagraph (ii) of this
12 paragraph only if a proper proceeding has been filed
13 under the Illinois Marriage and Dissolution of Marriage
14 Act, as now or hereafter amended.

15 The court may further prohibit respondent from
16 improperly using the financial or other resources of an
17 aged member of the family or household for the profit or
18 advantage of respondent or of any other person.

19 (12) Order for payment of support. Order
20 respondent to pay temporary support for the petitioner or
21 any child in the petitioner's care or custody, when the
22 respondent has a legal obligation to support that person,
23 in accordance with the Illinois Marriage and Dissolution
24 of Marriage Act, which shall govern, among other matters,
25 the amount of support, payment through the clerk and
26 withholding of income to secure payment. An order for
27 child support may be granted to a petitioner with lawful
28 physical care or custody of a child, or an order or
29 agreement for physical care or custody, prior to entry of
30 an order for legal custody. Such a support order shall
31 expire upon entry of a valid order granting legal custody
32 to another, unless otherwise provided in the custody
33 order.

34 (13) Order for payment of losses. Order respondent

1 to pay petitioner for losses suffered as a direct result
 2 of the abuse. Such losses shall include, but not be
 3 limited to, medical expenses, lost earnings or other
 4 support, repair or replacement of property damaged or
 5 taken, reasonable attorney's fees, court costs and moving
 6 or other travel expenses, including additional reasonable
 7 expenses for temporary shelter and restaurant meals.

8 (i) Losses affecting family needs. If a party
 9 is entitled to seek maintenance, child support or
 10 property distribution from the other party under the
 11 Illinois Marriage and Dissolution of Marriage Act,
 12 as now or hereafter amended, the court may order
 13 respondent to reimburse petitioner's actual losses,
 14 to the extent that such reimbursement would be
 15 "appropriate temporary relief", as authorized by
 16 subsection (a)(3) of Section 501 of that Act.

17 (ii) Recovery of expenses. In the case of an
 18 improper concealment or removal of a minor child,
 19 the court may order respondent to pay the reasonable
 20 expenses incurred or to be incurred in the search
 21 for and recovery of the minor child, including but
 22 not limited to legal fees, court costs, private
 23 investigator fees, and travel costs.

24 (14) Prohibition of entry. Prohibit the respondent
 25 from entering or remaining in the residence or household
 26 while the respondent is under the influence of alcohol or
 27 drugs and constitutes a threat to the safety and
 28 well-being of the petitioner or the petitioner's
 29 children.

30 (14.5) Prohibition of firearm possession. (a) All
 31 orders of protection must include a provision requiring,
 32 for the duration of the order of protection, When-a
 33 complaint-is--made--under--a--request--for--an--order--of
 34 protection,--that--the--respondent--has--threatened-or-is

1 likely-to-use-firearms-illegally-against-the--petitioner,
2 and--the-respondent-is-present-in-court,-or-has-failed-to
3 appear-after-receiving-actual--notice,-the--court--shall
4 examine-on-oath-the-petitioner,-and-any-witnesses-who-may
5 be-produced.--If-the-court-is-satisfied-that-there-is-any
6 danger--of--the-illegal-use-of-firearms,-it-shall-include
7 in-the-order--of--protection--the--requirement that any
8 firearms in the possession of the respondent, except as
9 provided in subsection (b), be turned over to the local
10 law enforcement agency for safekeeping. If the
11 respondent fails to appear, or refuses or fails to
12 surrender his or her firearms, the court shall issue a
13 warrant for seizure of any firearm in the possession of
14 the respondent. ~~The-period-of-safekeeping-shall-be-for-a~~
15 ~~stated-period-of-time-not-to-exceed-2-years.~~ The firearm
16 or firearms shall be returned to the respondent at the
17 ~~end-of-the-stated-period-or-at~~ expiration of the order of
18 protection,~~whichever-is-sooner.~~ (b) If the respondent is
19 a peace officer as defined in Section 2-13 of the
20 Criminal Code of 1961, the court shall order that any
21 firearms used by the respondent in the performance of his
22 or her duties as a peace officer be surrendered to the
23 chief law enforcement executive of the agency in which
24 the respondent is employed, who shall retain the firearms
25 for safekeeping ~~for--the--stated-period-not-to-exceed-2~~
26 years as set forth in the court order.

27 (15) Prohibition of access to records. If an order
28 of protection prohibits respondent from having contact
29 with the minor child, or if petitioner's address is
30 omitted under subsection (b) of Section 112A-5, or if
31 necessary to prevent abuse or wrongful removal or
32 concealment of a minor child, the order shall deny
33 respondent access to, and prohibit respondent from
34 inspecting, obtaining, or attempting to inspect or

1 obtain, school or any other records of the minor child
2 who is in the care of petitioner.

3 (16) Order for payment of shelter services. Order
4 respondent to reimburse a shelter providing temporary
5 housing and counseling services to the petitioner for the
6 cost of the services, as certified by the shelter and
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive
9 relief necessary or appropriate to prevent further abuse
10 of a family or household member or to effectuate one of
11 the granted remedies, if supported by the balance of
12 hardships. If the harm to be prevented by the injunction
13 is abuse or any other harm that one of the remedies
14 listed in paragraphs (1) through (16) of this subsection
15 is designed to prevent, no further evidence is necessary
16 to establish that the harm is an irreparable injury.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific
19 remedy, other than payment of support, the court shall
20 consider relevant factors, including but not limited to
21 the following:

22 (i) the nature, frequency, severity, pattern
23 and consequences of the respondent's past abuse of
24 the petitioner or any family or household member,
25 including the concealment of his or her location in
26 order to evade service of process or notice, and the
27 likelihood of danger of future abuse to petitioner
28 or any member of petitioner's or respondent's family
29 or household; and

30 (ii) the danger that any minor child will be
31 abused or neglected or improperly removed from the
32 jurisdiction, improperly concealed within the State
33 or improperly separated from the child's primary
34 caretaker.

1 (2) In comparing relative hardships resulting to
2 the parties from loss of possession of the family home,
3 the court shall consider relevant factors, including but
4 not limited to the following:

5 (i) availability, accessibility, cost, safety,
6 adequacy, location and other characteristics of
7 alternate housing for each party and any minor child
8 or dependent adult in the party's care;

9 (ii) the effect on the party's employment; and

10 (iii) the effect on the relationship of the
11 party, and any minor child or dependent adult in the
12 party's care, to family, school, church and
13 community.

14 (3) Subject to the exceptions set forth in
15 paragraph (4) of this subsection, the court shall make
16 its findings in an official record or in writing, and
17 shall at a minimum set forth the following:

18 (i) That the court has considered the
19 applicable relevant factors described in paragraphs
20 (1) and (2) of this subsection.

21 (ii) Whether the conduct or actions of
22 respondent, unless prohibited, will likely cause
23 irreparable harm or continued abuse.

24 (iii) Whether it is necessary to grant the
25 requested relief in order to protect petitioner or
26 other alleged abused persons.

27 (4) For purposes of issuing an ex parte emergency
28 order of protection, the court, as an alternative to or
29 as a supplement to making the findings described in
30 paragraphs (c)(3)(i) through (c)(3)(iii) of this
31 subsection, may use the following procedure:

32 When a verified petition for an emergency order of
33 protection in accordance with the requirements of
34 Sections 112A-5 and 112A-17 is presented to the court,

1 the court shall examine petitioner on oath or
2 affirmation. An emergency order of protection shall be
3 issued by the court if it appears from the contents of
4 the petition and the examination of petitioner that the
5 averments are sufficient to indicate abuse by respondent
6 and to support the granting of relief under the issuance
7 of the emergency order of protection.

8 (5) Never married parties. No rights or
9 responsibilities for a minor child born outside of
10 marriage attach to a putative father until a father and
11 child relationship has been established under the
12 Illinois Parentage Act of 1984. Absent such an
13 adjudication, no putative father shall be granted
14 temporary custody of the minor child, visitation with the
15 minor child, or physical care and possession of the minor
16 child, nor shall an order of payment for support of the
17 minor child be entered.

18 (d) Balance of hardships; findings. If the court finds
19 that the balance of hardships does not support the granting
20 of a remedy governed by paragraph (2), (3), (10), (11), or
21 (16) of subsection (b) of this Section, which may require
22 such balancing, the court's findings shall so indicate and
23 shall include a finding as to whether granting the remedy
24 will result in hardship to respondent that would
25 substantially outweigh the hardship to petitioner from denial
26 of the remedy. The findings shall be an official record or
27 in writing.

28 (e) Denial of remedies. Denial of any remedy shall not
29 be based, in whole or in part, on evidence that:

30 (1) Respondent has cause for any use of force,
31 unless that cause satisfies the standards for justifiable
32 use of force provided by Article VII of the Criminal Code
33 of 1961;

34 (2) Respondent was voluntarily intoxicated;

1 (3) Petitioner acted in self-defense or defense of
2 another, provided that, if petitioner utilized force,
3 such force was justifiable under Article VII of the
4 Criminal Code of 1961;

5 (4) Petitioner did not act in self-defense or
6 defense of another;

7 (5) Petitioner left the residence or household to
8 avoid further abuse by respondent;

9 (6) Petitioner did not leave the residence or
10 household to avoid further abuse by respondent;

11 (7) Conduct by any family or household member
12 excused the abuse by respondent, unless that same conduct
13 would have excused such abuse if the parties had not been
14 family or household members.

15 (Source: P.A. 89-367, eff. 1-1-96.)

16 Section 10. The Illinois Domestic Violence Act of 1986
17 is amended by changing Section 214 as follows:

18 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

19 Sec. 214. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that
21 petitioner has been abused by a family or household member or
22 that petitioner is a high-risk adult who has been abused,
23 neglected, or exploited, as defined in this Act, an order of
24 protection prohibiting the abuse, neglect, or exploitation
25 shall issue; provided that petitioner must also satisfy the
26 requirements of one of the following Sections, as
27 appropriate: Section 217 on emergency orders, Section 218 on
28 interim orders, or Section 219 on plenary orders. Petitioner
29 shall not be denied an order of protection because petitioner
30 or respondent is a minor. The court, when determining whether
31 or not to issue an order of protection, shall not require
32 physical manifestations of abuse on the person of the victim.

1 Modification and extension of prior orders of protection
2 shall be in accordance with this Act.

3 (b) Remedies and standards. The remedies to be included
4 in an order of protection shall be determined in accordance
5 with this Section and one of the following Sections, as
6 appropriate: Section 217 on emergency orders, Section 218 on
7 interim orders, and Section 219 on plenary orders. The
8 remedies listed in this subsection shall be in addition to
9 other civil or criminal remedies available to petitioner.

10 (1) Prohibition of abuse, neglect, or exploitation.
11 Prohibit respondent's harassment, interference with
12 personal liberty, intimidation of a dependent, physical
13 abuse, or willful deprivation, neglect or exploitation,
14 as defined in this Act, or stalking of the petitioner, as
15 defined in Section 12-7.3 of the Criminal Code of 1961,
16 if such abuse, neglect, exploitation, or stalking has
17 occurred or otherwise appears likely to occur if not
18 prohibited.

19 (2) Grant of exclusive possession of residence.
20 Prohibit respondent from entering or remaining in any
21 residence or household of the petitioner, including one
22 owned or leased by respondent, if petitioner has a right
23 to occupancy thereof. The grant of exclusive possession
24 of the residence shall not affect title to real property,
25 nor shall the court be limited by the standard set forth
26 in Section 701 of the Illinois Marriage and Dissolution
27 of Marriage Act.

28 (A) Right to occupancy. A party has a right
29 to occupancy of a residence or household if it is
30 solely or jointly owned or leased by that party,
31 that party's spouse, a person with a legal duty to
32 support that party or a minor child in that party's
33 care, or by any person or entity other than the
34 opposing party that authorizes that party's

1 occupancy (e.g., a domestic violence shelter).
2 Standards set forth in subparagraph (B) shall not
3 preclude equitable relief.

4 (B) Presumption of hardships. If petitioner
5 and respondent each has the right to occupancy of a
6 residence or household, the court shall balance (i)
7 the hardships to respondent and any minor child or
8 dependent adult in respondent's care resulting from
9 entry of this remedy with (ii) the hardships to
10 petitioner and any minor child or dependent adult in
11 petitioner's care resulting from continued exposure
12 to the risk of abuse (should petitioner remain at
13 the residence or household) or from loss of
14 possession of the residence or household (should
15 petitioner leave to avoid the risk of abuse). When
16 determining the balance of hardships, the court
17 shall also take into account the accessibility of
18 the residence or household. Hardships need not be
19 balanced if respondent does not have a right to
20 occupancy.

21 The balance of hardships is presumed to favor
22 possession by petitioner unless the presumption is
23 rebutted by a preponderance of the evidence, showing
24 that the hardships to respondent substantially
25 outweigh the hardships to petitioner and any minor
26 child or dependent adult in petitioner's care. The
27 court, on the request of petitioner or on its own
28 motion, may order respondent to provide suitable,
29 accessible, alternate housing for petitioner instead
30 of excluding respondent from a mutual residence or
31 household.

32 (3) Stay away order and additional prohibitions.
33 Order respondent to stay away from petitioner or any
34 other person protected by the order of protection, or

1 prohibit respondent from entering or remaining present at
2 petitioner's school, place of employment, or other
3 specified places at times when petitioner is present, or
4 both, if reasonable, given the balance of hardships.
5 Hardships need not be balanced for the court to enter a
6 stay away order or prohibit entry if respondent has no
7 right to enter the premises.

8 If an order of protection grants petitioner
9 exclusive possession of the residence, or prohibits
10 respondent from entering the residence, or orders
11 respondent to stay away from petitioner or other
12 protected persons, then the court may allow respondent
13 access to the residence to remove items of clothing and
14 personal adornment used exclusively by respondent,
15 medications, and other items as the court directs. The
16 right to access shall be exercised on only one occasion
17 as the court directs and in the presence of an
18 agreed-upon adult third party or law enforcement officer.

19 (4) Counseling. Require or recommend the
20 respondent to undergo counseling for a specified duration
21 with a social worker, psychologist, clinical
22 psychologist, psychiatrist, family service agency,
23 alcohol or substance abuse program, mental health center
24 guidance counselor, agency providing services to elders,
25 program designed for domestic violence abusers or any
26 other guidance service the court deems appropriate.

27 (5) Physical care and possession of the minor
28 child. In order to protect the minor child from abuse,
29 neglect, or unwarranted separation from the person who
30 has been the minor child's primary caretaker, or to
31 otherwise protect the well-being of the minor child, the
32 court may do either or both of the following: (i) grant
33 petitioner physical care or possession of the minor
34 child, or both, or (ii) order respondent to return a

1 minor child to, or not remove a minor child from, the
2 physical care of a parent or person in loco parentis.

3 If a court finds, after a hearing, that respondent
4 has committed abuse (as defined in Section 103) of a
5 minor child, there shall be a rebuttable presumption that
6 awarding physical care to respondent would not be in the
7 minor child's best interest.

8 (6) Temporary legal custody. Award temporary legal
9 custody to petitioner in accordance with this Section,
10 the Illinois Marriage and Dissolution of Marriage Act,
11 the Illinois Parentage Act of 1984, and this State's
12 Uniform Child Custody Jurisdiction Act.

13 If a court finds, after a hearing, that respondent
14 has committed abuse (as defined in Section 103) of a
15 minor child, there shall be a rebuttable presumption that
16 awarding temporary legal custody to respondent would not
17 be in the child's best interest.

18 (7) Visitation. Determine the visitation rights,
19 if any, of respondent in any case in which the court
20 awards physical care or temporary legal custody of a
21 minor child to petitioner. The court shall restrict or
22 deny respondent's visitation with a minor child if the
23 court finds that respondent has done or is likely to do
24 any of the following: (i) abuse or endanger the minor
25 child during visitation; (ii) use the visitation as an
26 opportunity to abuse or harass petitioner or petitioner's
27 family or household members; (iii) improperly conceal or
28 detain the minor child; or (iv) otherwise act in a manner
29 that is not in the best interests of the minor child.
30 The court shall not be limited by the standards set forth
31 in Section 607.1 of the Illinois Marriage and Dissolution
32 of Marriage Act. If the court grants visitation, the
33 order shall specify dates and times for the visitation to
34 take place or other specific parameters or conditions

1 that are appropriate. No order for visitation shall
2 refer merely to the term "reasonable visitation".

3 Petitioner may deny respondent access to the minor
4 child if, when respondent arrives for visitation,
5 respondent is under the influence of drugs or alcohol and
6 constitutes a threat to the safety and well-being of
7 petitioner or petitioner's minor children or is behaving
8 in a violent or abusive manner.

9 If necessary to protect any member of petitioner's
10 family or household from future abuse, respondent shall
11 be prohibited from coming to petitioner's residence to
12 meet the minor child for visitation, and the parties
13 shall submit to the court their recommendations for
14 reasonable alternative arrangements for visitation. A
15 person may be approved to supervise visitation only after
16 filing an affidavit accepting that responsibility and
17 acknowledging accountability to the court.

18 (8) Removal or concealment of minor child. Prohibit
19 respondent from removing a minor child from the State or
20 concealing the child within the State.

21 (9) Order to appear. Order the respondent to
22 appear in court, alone or with a minor child, to prevent
23 abuse, neglect, removal or concealment of the child, to
24 return the child to the custody or care of the petitioner
25 or to permit any court-ordered interview or examination
26 of the child or the respondent.

27 (10) Possession of personal property. Grant
28 petitioner exclusive possession of personal property and,
29 if respondent has possession or control, direct
30 respondent to promptly make it available to petitioner,
31 if:

32 (i) petitioner, but not respondent, owns the
33 property; or

34 (ii) the parties own the property jointly;

1 sharing it would risk abuse of petitioner by
2 respondent or is impracticable; and the balance of
3 hardships favors temporary possession by petitioner.

4 If petitioner's sole claim to ownership of the
5 property is that it is marital property, the court may
6 award petitioner temporary possession thereof under the
7 standards of subparagraph (ii) of this paragraph only if
8 a proper proceeding has been filed under the Illinois
9 Marriage and Dissolution of Marriage Act, as now or
10 hereafter amended.

11 No order under this provision shall affect title to
12 property.

13 (11) Protection of property. Forbid the respondent
14 from taking, transferring, encumbering, concealing,
15 damaging or otherwise disposing of any real or personal
16 property, except as explicitly authorized by the court,
17 if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and
21 the balance of hardships favors granting this
22 remedy.

23 If petitioner's sole claim to ownership of the
24 property is that it is marital property, the court may
25 grant petitioner relief under subparagraph (ii) of this
26 paragraph only if a proper proceeding has been filed
27 under the Illinois Marriage and Dissolution of Marriage
28 Act, as now or hereafter amended.

29 The court may further prohibit respondent from
30 improperly using the financial or other resources of an
31 aged member of the family or household for the profit or
32 advantage of respondent or of any other person.

33 (12) Order for payment of support. Order
34 respondent to pay temporary support for the petitioner or

1 any child in the petitioner's care or custody, when the
2 respondent has a legal obligation to support that person,
3 in accordance with the Illinois Marriage and Dissolution
4 of Marriage Act, which shall govern, among other matters,
5 the amount of support, payment through the clerk and
6 withholding of income to secure payment. An order for
7 child support may be granted to a petitioner with lawful
8 physical care or custody of a child, or an order or
9 agreement for physical care or custody, prior to entry of
10 an order for legal custody. Such a support order shall
11 expire upon entry of a valid order granting legal custody
12 to another, unless otherwise provided in the custody
13 order.

14 (13) Order for payment of losses. Order respondent
15 to pay petitioner for losses suffered as a direct result
16 of the abuse, neglect, or exploitation. Such losses
17 shall include, but not be limited to, medical expenses,
18 lost earnings or other support, repair or replacement of
19 property damaged or taken, reasonable attorney's fees,
20 court costs and moving or other travel expenses,
21 including additional reasonable expenses for temporary
22 shelter and restaurant meals.

23 (i) Losses affecting family needs. If a party
24 is entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act,
27 as now or hereafter amended, the court may order
28 respondent to reimburse petitioner's actual losses,
29 to the extent that such reimbursement would be
30 "appropriate temporary relief", as authorized by
31 subsection (a)(3) of Section 501 of that Act.

32 (ii) Recovery of expenses. In the case of an
33 improper concealment or removal of a minor child,
34 the court may order respondent to pay the reasonable

1 expenses incurred or to be incurred in the search
 2 for and recovery of the minor child, including but
 3 not limited to legal fees, court costs, private
 4 investigator fees, and travel costs.

5 (14) Prohibition of entry. Prohibit the respondent
 6 from entering or remaining in the residence or household
 7 while the respondent is under the influence of alcohol or
 8 drugs and constitutes a threat to the safety and
 9 well-being of the petitioner or the petitioner's
 10 children.

11 (14.5) Prohibition of firearm possession.

12 (a) All orders of protection must include a
 13 provision requiring, for the duration of the order
 14 of protection, When--a--complaint--is--made--under--a
 15 request--for--an--order--of--protection,--that--the
 16 respondent--has--threatened--or--is--likely--to--use
 17 firearms--illegally--against--the--petitioner,--and--the
 18 respondent--is--present--in--court,--or--has--failed--to
 19 appear--after--receiving--actual--notice,--the--court
 20 shall--examine--on--oath--the--petitioner,--and--any
 21 witnesses--who--may--be--produced.---If--the--court--is
 22 satisfied--that--there--is--any--danger--of--the--illegal
 23 use--of--firearms,--it--shall--issue--an--order that any
 24 firearms in the possession of the respondent, except
 25 as provided in subsection (b), be turned over to the
 26 local law enforcement agency for safekeeping. If
 27 the respondent has failed to appear, the court shall
 28 issue a warrant for seizure of any firearm in the
 29 possession of the respondent. The--period--of
 30 safekeeping--shall--be--for--a--stated--period--of--time--not
 31 to--exceed--2--years. The firearm or firearms shall be
 32 returned to the respondent at the end--of--the--stated
 33 period--or--at expiration of the order of protection,
 34 whichever--is--sooner.

1 (b) If the respondent is a peace officer as
2 defined in Section 2-13 of the Criminal Code of
3 1961, the court shall order that any firearms used
4 by the respondent in the performance of his or her
5 duties as a peace officer be surrendered to the
6 chief law enforcement executive of the agency in
7 which the respondent is employed, who shall retain
8 the firearms for safekeeping ~~for-the-stated-period~~
9 ~~not-to-exceed-2-years~~ as set forth in the court
10 order.

11 (15) Prohibition of access to records. If an order
12 of protection prohibits respondent from having contact
13 with the minor child, or if petitioner's address is
14 omitted under subsection (b) of Section 203, or if
15 necessary to prevent abuse or wrongful removal or
16 concealment of a minor child, the order shall deny
17 respondent access to, and prohibit respondent from
18 inspecting, obtaining, or attempting to inspect or
19 obtain, school or any other records of the minor child
20 who is in the care of petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive
27 relief necessary or appropriate to prevent further abuse
28 of a family or household member or further abuse,
29 neglect, or exploitation of a high-risk adult with
30 disabilities or to effectuate one of the granted
31 remedies, if supported by the balance of hardships. If
32 the harm to be prevented by the injunction is abuse or
33 any other harm that one of the remedies listed in
34 paragraphs (1) through (16) of this subsection is

1 designed to prevent, no further evidence is necessary
2 that the harm is an irreparable injury.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific
5 remedy, other than payment of support, the court shall
6 consider relevant factors, including but not limited to
7 the following:

8 (i) the nature, frequency, severity, pattern
9 and consequences of the respondent's past abuse,
10 neglect or exploitation of the petitioner or any
11 family or household member, including the
12 concealment of his or her location in order to evade
13 service of process or notice, and the likelihood of
14 danger of future abuse, neglect, or exploitation to
15 petitioner or any member of petitioner's or
16 respondent's family or household; and

17 (ii) the danger that any minor child will be
18 abused or neglected or improperly removed from the
19 jurisdiction, improperly concealed within the State
20 or improperly separated from the child's primary
21 caretaker.

22 (2) In comparing relative hardships resulting to
23 the parties from loss of possession of the family home,
24 the court shall consider relevant factors, including but
25 not limited to the following:

26 (i) availability, accessibility, cost, safety,
27 adequacy, location and other characteristics of
28 alternate housing for each party and any minor child
29 or dependent adult in the party's care;

30 (ii) the effect on the party's employment; and

31 (iii) the effect on the relationship of the
32 party, and any minor child or dependent adult in the
33 party's care, to family, school, church and
34 community.

1 (3) Subject to the exceptions set forth in
2 paragraph (4) of this subsection, the court shall make
3 its findings in an official record or in writing, and
4 shall at a minimum set forth the following:

5 (i) That the court has considered the
6 applicable relevant factors described in paragraphs
7 (1) and (2) of this subsection.

8 (ii) Whether the conduct or actions of
9 respondent, unless prohibited, will likely cause
10 irreparable harm or continued abuse.

11 (iii) Whether it is necessary to grant the
12 requested relief in order to protect petitioner or
13 other alleged abused persons.

14 (4) For purposes of issuing an ex parte emergency
15 order of protection, the court, as an alternative to or
16 as a supplement to making the findings described in
17 paragraphs (c)(3)(i) through (c)(3)(iii) of this
18 subsection, may use the following procedure:

19 When a verified petition for an emergency order of
20 protection in accordance with the requirements of
21 Sections 203 and 217 is presented to the court, the court
22 shall examine petitioner on oath or affirmation. An
23 emergency order of protection shall be issued by the
24 court if it appears from the contents of the petition and
25 the examination of petitioner that the averments are
26 sufficient to indicate abuse by respondent and to support
27 the granting of relief under the issuance of the
28 emergency order of protection.

29 (5) Never married parties. No rights or
30 responsibilities for a minor child born outside of
31 marriage attach to a putative father until a father and
32 child relationship has been established under the
33 Illinois Parentage Act of 1984, the Illinois Public Aid
34 Code, Section 12 of the Vital Records Act, the Juvenile

1 Court Act of 1987, the Probate Act of 1985, the Revised
2 Uniform Reciprocal Enforcement of Support Act, the
3 Uniform Interstate Family Support Act, the Expedited
4 Child Support Act of 1990, any judicial, administrative,
5 or other act of another state or territory, any other
6 Illinois statute, or by any foreign nation establishing
7 the father and child relationship, any other proceeding
8 substantially in conformity with the Personal
9 Responsibility and Work Opportunity Reconciliation Act of
10 1996 (Pub. L. 104-193), or where both parties appeared in
11 open court or at an administrative hearing acknowledging
12 under oath or admitting by affirmation the existence of
13 a father and child relationship. Absent such an
14 adjudication, finding, or acknowledgement, no putative
15 father shall be granted temporary custody of the minor
16 child, visitation with the minor child, or physical care
17 and possession of the minor child, nor shall an order of
18 payment for support of the minor child be entered.

19 (d) Balance of hardships; findings. If the court finds
20 that the balance of hardships does not support the granting
21 of a remedy governed by paragraph (2), (3), (10), (11), or
22 (16) of subsection (b) of this Section, which may require
23 such balancing, the court's findings shall so indicate and
24 shall include a finding as to whether granting the remedy
25 will result in hardship to respondent that would
26 substantially outweigh the hardship to petitioner from denial
27 of the remedy. The findings shall be an official record or in
28 writing.

29 (e) Denial of remedies. Denial of any remedy shall not
30 be based, in whole or in part, on evidence that:

31 (1) Respondent has cause for any use of force,
32 unless that cause satisfies the standards for justifiable
33 use of force provided by Article VII of the Criminal Code
34 of 1961;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of
3 another, provided that, if petitioner utilized force,
4 such force was justifiable under Article VII of the
5 Criminal Code of 1961;

6 (4) Petitioner did not act in self-defense or
7 defense of another;

8 (5) Petitioner left the residence or household to
9 avoid further abuse, neglect, or exploitation by
10 respondent;

11 (6) Petitioner did not leave the residence or
12 household to avoid further abuse, neglect, or
13 exploitation by respondent;

14 (7) Conduct by any family or household member
15 excused the abuse, neglect, or exploitation by
16 respondent, unless that same conduct would have excused
17 such abuse, neglect, or exploitation if the parties had
18 not been family or household members.

19 (Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)